

REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the above amendment and the discussion below.

The previous rejection of claims 6-8, 12 and 15 have been indicated as moot in view of the new grounds of rejection. Claims 6-8 and 12 are now rejected under 35 U.S.C. 103 as unpatentable over Flick U.S. Patent No. 6,140,939 (previously cited) in view of Duvall, Jr. U.S. Patent No. 5,704,008 (newly cited).

According to the statement of the rejection at page 3 of the Official Action, the reference to Flick has been cited for teaching all of the claim limitations of independent claim 6 with the exception that Flick “fails to specifically teach that “following” transmission of the information about a previously authorized user, corresponding information about a new user is transmitted, and said new user is then also authorized”.

The reference to Duvall, Jr. has been cited for the transmission of corresponding information about a new user and the authorization of the new user, referring to Figure 3, column 3, lines 15 to 47 and column 4, lines 35 to 49 of Duvall, Jr.

The Examiner then concludes it would have been obvious to one of ordinary skill in the art to modify the Flick device by transmitting information about a new user after transmitting information about a previously authorized

user as evidenced by Duvall, Jr. for the purposes of providing a secure and more flexible approach.

In response to this rejection, Applicants submit that amended claim 6 provides a structure which is not shown, disclosed, or made obvious by any combination of the Flick and Duvall, Jr., references, even if such references are, for purposes of argument, properly combinable under the law.

Claim 6 specifies that corresponding information about a new user is transmitted for storage and later comparison and the new user is then authorized in the future. This is disclosed in the specification at page 3, first full paragraph, where it is indicated that the information of the authorized user is first transmitted and then information is transmitted in the form of biometric data of a new user, and that the user "will also be considered in the future as the authorized user". It indicates the information concerning the new user must, like the information of the first user, be stored in the vehicle and kept on hand for a comparison of information that is subsequently transmitted.

The newly applied reference to Duvall, Jr., as discussed at columns 3 and 4 and in Figure 3, operates by allowing voice recognition of a password for an authorized user. In order to obtain a new user, the first authorized user must say the word "new user" and then the new user, when he provides his own password, is authorized. Therefore, there is no storage or recording of information about the new user for later comparison. Instead, in Duvall, Jr., once the term "new user" is spoken by the first user, then whoever enters the

next password will become the next user. Claim 6 also requires corresponding information about a new user and this corresponding information is the same kind of information about the first authorized user which, also in claim 6, is the personal individual characteristics transmitted to the vehicle.

Additionally, it is submitted that the present invention, as well as the primary reference to Flick, concern a remote control device with a transmitter for wireless transmission of signals whereas Duvall, Jr. has a device located within the automobile to prevent operation when the key is inserted and turned. One skilled in the art would not be taught to adapt the system of Duvall, Jr. in a Flick type of system, which is a remote system involving opening the automobile. Additionally, as indicated above, the amended claim 6 provides a feature which is not described, suggested or even hinted at in Duvall, Jr.'s operation, so that even if the references were combined, the features of amended claim 6 would not be met.

The rejection of claims 7, 8 and 12 is also traversed, as each of these claims depend from, and contain all of the limitations of, amended claim 6.

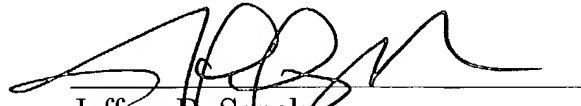
Claim 15 has been amended into independent form to include the limitations of original claim 6 in order to comply with the indication of allowable subject matter on page 6 of the Office Action.

Therefore, in view of the distinguishing features between the claimed invention and the references, Applicants respectfully request that this application, containing claims 6-8, 12 and 15, be allowed and be passed to issue.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.49356US).

Respectfully submitted,



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August 4, 2004

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